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January 5, 2005

Case No.: CE 11436JME (9640/131)

Serial No.: 10/630,408

Filed: July 30, 2003

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- REMARKS -

No new matter has been introduced with the amendments to the claims. Furthermore, each amendment is entered solely to correct typographical errors, and not to avoid any reference. Support for new claim 22 is found on at least page page 7, lines 10-14 of the specification.

A. Claims 2, 12, 14 and 16 were objected to for informalities

Claims 2, 12, 14 and 16 have each been amended to correct typographical errors, obviating the Examiner's objections.

Withdrawal of the objections to claims 2, 12, 14 and 16 is respectfully requested.

B. Claims 5-7, 10, 16 and 20 were rejected under 35 U.S.C. §112 as indefinite

The §112 rejection of claims 5-7, 10, 16, and 20 is traversed. Claim 5 recites "a controller electrically connected to the display to rotate images on the LCD stack." Therefore, proper antecedent basis exists. Claims 6 and 7 have been amended to depend directly from claim 5, obviating the rejection for similar reasons. Claim 10 depends from claim 6 and therefore the §112 rejection is obviated for similar reasons. Claim 16 has been corrected to depend from claim 12, and amended to correct a typographical error. Claim 20 has been amended to correct a typographical error and depends from claim 19.

Withdrawal of the §112 rejections to claims 5-7, 10, 16 and 20 is requested.

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C. Claims 17-20 were rejected under 35 U.S.C. §102(b) as anticipated by Higginbotham

The §102(b) rejection of claims 17-20 is traversed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1989). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1990).

At a minimum, Higginbotham does not disclose "computer readable code for providing a rotate-mode signal to a processor electrically connected to circuitry in response to actuation of a switch." In contrast, Higginbotham discloses that the microprocessor 808 and the display position detector 606 further cooperate to place the portable radio messaging device 100 into a local message entry mode in response to the display portion 102 being moved to the second (open) position. See, column 4, lines 51-54 of Higginbotham. Thus, Higginbotham, at least, does not disclose that a rotate-mode signal is provided a processor in response to actuation of a switch.

Claims 18-20 each depend directly or indirectly from claim 17, and are therefore allowable over the prior art for at least the same reasons.

Withdrawal of the rejections to claims 17-20 is requested.

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D. Claims 1-7 and 9-16 were rejected under 35 U.S.C. §103(a) as unpatentable over Higginbotham in view of Lu

The §103(a) rejections of claims 1-7 and 9-16 is traversed. In order to maintain this rejection, each and every element of the claims must be taught or suggested by the references, alone or in combination, in at least as great detail as claimed.

At a minimum, Higginbotham in view of Lu does not teach or suggest "a switch operable to reverse modes of the inner and outer bistable clear-reflective layers responsive to rotation of the display portion with respect to the body portion" as claimed in claim 1. At most, Higginbotham teaches that the microprocessor 808 and the display position detector 606 further cooperate to place the portable radio messaging device 100 into a local message entry mode in response to the display portion 102 being moved to the second (open) position. *See*, column 4, lines 51-54 of Higginbotham. Thus, Higginbotham, at least, does not disclose that a rotate-mode signal is provided a processor in response to actuation of a switch.

In addition, Higginbotham in view of Lu does not teach "the display portion including an inner and an outer bistable clear-reflective layer" as claimed in claims 1 and 12. The Examiner correctly notes that Higginbotham does not teach the element, and instead relies on Lu for such teachings. However, at most, Lu teaches only a bistable cholesteric liquid crystal display with very high contrast and excellent mechanical stability. Lu does not teach an inner and outer bistable clear-reflective layer. Therefore, even if the combination of references is proper, which Applicants do not concede, the references do not teach each claimed element.

Also, claim 2 includes "a LCD stack" as an element. Contrary to the Examiner's assertion, Higginbotham does not teach or suggest this element. At most, Higginbotham teaches that it is "less advantageous" to use a LCD display, and Higginbotham never discloses use of an LCD stack. *See*, Higginbotham, column 3, lines 1-10. As defined in the specification, a LCD stack comprises "an inner polarizer layer 143, and inner glass layer 144, an outer glass layer 145, and an outer polarizer layer 146." *See*, specification at page 7, lines 10-14.

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Furthermore, there is no indication of a motivation or suggestion to combine the references, as alleged by the Examiner. Because the references do not disclose or teach the claimed elements, Applicants traverse the Examiner's statement "it would have been obvious" and request the Examiner make a showing in the form of a reference, or in the form of a Declaration/Affidavit. *See*, MPEP 706.02(a): "If the Applicant traverses such an assertion, the Examiner should cite a reference in support of his/her position." Absent such a showing, Applicants respectfully request allowance of the claims.

Claims 2-7 and 9-11 depend directly or indirectly from claim 1 and are therefore patentable over Higginbotham in view of Lu for at least the same reasons. Claims 13-16 depend directly or indirectly from claim 12 and are therefore patentable over Higginbotham in view of Lu for at least the same reasons.

Withdrawal of the rejections to claims 1-7 and 9-16 is requested.

E. Claim 8 was rejected under 35 U.S.C. §103(a) as unpatentable over Higginbotham in view of Lu in further view of Lee

The §103(a) rejection of claim 8 is traversed. Claim 8 depends directly from claim 1 and is therefore patentable over Higginbotham in view of Lu in view of Lee for at least the same reasons. Withdrawal of the rejection to claim 8 is requested.

F. Claim 21 was rejected under 35 U.S.C. §103(a) as unpatentable over Higginbotham

The §103(a) rejection of claim 21 is traversed. Claim 21 depends indirectly from claim 17 and is therefore patentable over Higginbotham for at least the same reasons. Withdrawal of the rejection to claim 21 is requested.

G. Claim 22 is patentable over the references

Claim 22 depends directly from claim 2 and is therefore patentable over the prior art for at least the same reasons as claim 2. Furthermore, the prior art, alone or in combination, fails to disclose, teach or suggest each and every element of claim 22. Allowance of claim 22 is requested.

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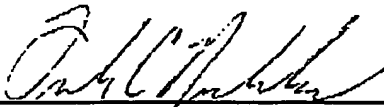
SUMMARY

The Applicant submits that claims 1-22 as set forth fully satisfy the requirements of 35 U.S.C. §§102, 103, and 112. In view of foregoing remarks, favorable consideration and early passage to issue of the present application are respectfully requested.

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Respectfully submitted,

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